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The EXAMINER.

From Thursday *November* 20, to Thursday *November* 27, 1712.

——— *Justa pari premitur jam pondere* Libra. Tibullus.

WHatever Measures are taken for the safety and repose of *Europe*, will, for that very reason, add to the Uneasiness of an Unnatural Party now among us; and therefore I am the less surpriz'd that the *Abdication* of King *Philip*, lately sent over from *Madrid*, the fore-runner of a glorious Peace, the Produce of the wisest Councels, and a shining Proof that the Conduct of the Present Ministry is much more terrible than the Arms of the Last, should be attackt by so many senseless Exceptions, and all the stale Cavils of a profligate Faction, who never will be pleas'd with any *Abdications* but those of their own making; and yet if these Men, in the present hurry of their Politicks, could recollect what they had written and declaimed upon, some few Months ago, this *Renunciation* was then thought so considerable, that the new Ministry were represented as incapable of accomplishing this great Affair, and their Attempts for that Purpose, were expos'd and ridicul'd, as an idle Report, like that of the *Mountains in Labour*. The *German* and *Dutch* Writers do indeed upon this occasion, entertain us with some Amusements disguis'd like Arguments, the very best that their Soil, their Clime, and their Prejudices can afford. I shall now examine the most material of these; so far as they concern, either the Justice and Equity of this *Renunciation*; or, its conformity to those great Ends for which it was intended; or, the reasonable Assurances we have of its being duly and faithfully executed: For these, I conceive, are the main Points now under consideration, with all those who are truly affected with the Publick Good, and who may perhaps by this time be convinc'd, that a Scheme of endless Confusion and Slaughter, is but an odd way of restoring Peace and Tranquility in *Europe*.

The Advocates for the *House* of *Austria* begin their Plea with great Pomp of Learning, and croud their *Paragraphs* and *Margins* with Quotations from the *Civil Law*, to prove, that all *Renunciations*, where a Crown is Hereditary, are in themselves null and void, a breach of the *Law* of *Nature* and *Nations*, not to be established by Oaths and Compacts, which must not be made the Ties and Bonds of Iniquity; and that consequently this of King *Philip*, will soon be dissolved by that great Casuist his Grandfather. But can those Men talk thus, who have no other Claim but the *Renunciation* of *Maria Theresa*, and that of the *Pyrenean Treaty*? And if these are void by the same Law, is not *Philip's* Title to the Crown of *Spain* good, even though he should not renounce that of *France*? And what Apology can be made for the *Court* of *Vienna*, who have often entred into Engagements of this Nature, and set up the Claim of the *present Emperor* upon the Renunciations of the *Two Last*, which they now tell us are Breaches of the *Law* of *Nature*, and the Tyes and Bonds of Iniquity? The Old *Civil Law* is indeed against all *Renunciations*, and so was the Old *Common Law* against all *Rescinding of Entails*; but Necessity has since introduced both one and t'other. *Grotius*, whatever the *Author of the Groans of Europe* may suggest, does not treat this Subject with his usual exactness; for though he denies the legality of *Renunciations*, yet he instances in several Precedents of that kind, particularly in *France* and *Germany*; and elsewhere seems to have a reserve in two Cases, *Necessity* and *Publick Good*. His own Reason against *Renunciations*, for want of a competent Judge between Soveraign Princes, might have led him to consider, that upon the *Pope's* Usurping this Jurisdiction, *Renunciations* became a part of the *Canon Law*, and were often submitted to both by *France* and *Germany*: But when a much more competent Judge was found, I mean an Assembly or Confederacy of the several Princes who are Parties in such a Cause, and when *the Ballance of Power* became as necessary and fundamental a Law of *Nature* and *Nations*, as Self-preservation, then *Renunciations* in those two Cases assigned by *Grotius*, *Publick Good* and *Necessity*, were admitted by all the *European* Potentates; the *Emperor*, though the first in order, did not pretend to be a *Vice-God* in Temporals, as the *Pope* was in Spirituals, but often gave as well as took, this reasonable Security: And therefore the *Renunciation* of King *Philip*, agreeable to this Law, and issuing from a competent Jurisdiction, is Just and Equitable; and stands confirm'd by Precedents from that very Court, which would now pronounce it invalid.

This *German* Juggle being too gross to pass, the next Exception is, that this Act of King *Philip* does not effectually answer the great Ends for which it was intended; or, in other Terms, it does not preserve *the Ballance of Power*, for the *Two Crowns* will remain united still. I wonder why some *late Plenipoes*, who were extreamly well qualify'd to make such a Proposal, did not, among other Expedients by way of *Equivalent*, oblige King *Philip* to Renounce his Father and Grandfather, and accept of their Dispensations for setting aside the *Fifth Commandment*; for in Truth, this nearness of Blood in the two Monarchs, is all the Union of the *Two Crowns* that can be pretended; which, in a few Years, must cease and be no more. Their Laws, Constitutions, Customs and Manners, are widely different; and so were their Interests, 'till we, by a Course of extraordinary Management, reconcil'd them. A general Peace will remove that Obligation, which their mutual Danger, during the War, had created. This once over, it can never be imagined, that the *Cortez* of *Spain* will be abolished, the *Grandees* swear Allegiance to *France*, the Revenue of the *Indies* be audited in the *Town-house* of *Paris*, and the Merchants of *Sevil* become Bankrupts to those of *Lyons*, for no other reason in the World, but because their Two Kings are so very nearly related. Other Monarchs of *Europe* have been closely Ally'd by Blood before now; but this alone was never thought a sufficient Reason for declaring War against them, much less a Proof of the Union of their Two Kingdoms; but rather an Argument of their mutual Distrust and Iealousie, unless prevented by some extraordinary Incident, such as a Confederate War against both. The *Author of the Groans* tells us, that the Kings of *Spain* do not hold *ex dominio*; that the Laws, both *Antient* and *not Antient*, are not made solely by him, nor can be abrogated at his Pleasure: He is sworn to observe them; and they are a sort of *Pacta Conventa* between Him and his People. This I conceive amply proves, that King *Philip* cannot unite his Kingdom with *France*, though he should be weak enough to desire it; unless we can suppose, that *Lewis* XIV. is Grandfather to all the *Spaniards*, as well as to their Monarch. If we look back to the Reign of *Charles* II. or even to that of *Philip* III. *France* had then contracted such a Claim to the *Spanish* Succession, that if we set aside *Renunciations*, according

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to the *Auſtrian* Plea, nothing could have prevented the *Two Crowns* being actually united under *Lewis* XIV. Her *Britannick Majeſty* did therefore with great Judgment aſſirm, *That the two Crowns would now be more effectually divided than ever:* And yet even this Juſt Remark did not eſcape the Cenſures of a Reprobate Faction, whom not *Scripture* itſelf, without a *Dutch Comment*, can deter from *ſpeaking Evil of the Ruler of their People.*

There is another Exception ſtill behind, which comes to us in the Nature of a Prophecy; that this *Renunciation* will not be duly Executed; that the *French King* is a Truce-breaker, a Violater of Oaths and Promiſes, and will have no more Regard to this, than to the *Pyrenean* Treaty. The *Dutch* Writers join in this Outcry, thoſe excellent Criticks in National Honeſty; and they might as well have made the very ſame Exception to any other Treaty with *France*, though of their own propoſing. All modern Propheſies have ſomething in them extravagantly Merry, and ſo has this; for it ſuppoſes the Perfidious *Lewis* to be the Violater of this *Renunciation*, when, in fact, the Execution of it does not take place till after his Death. The *Author of the Groans* ſpeaks a little more favourably of *French* Fidelity; *For*, ſays he, *they reject but* Two *out of* Nine *Renunciations*. I wiſh he had caſt up the *German* Account, and told us the Difference: The *Britiſh* Maxim is, *Truſt Neither, where Both have been Treacherous*. No Writer, but a *Whig* or a *Jeſuit*, can vindicate the Breach of the *Pyrenean* Treaty; and yet the *French* were never Perfidious with ſo good a Grace as then: The *Equivalent* was a meer Peppercorn, and even that not duly paid; in the preſent Caſe, there is one great Kingdom for another. At the *Pyrenees*, the King of *Spain* was not tied up from creating a *new* Right to the Succeſſion by the Conſent of his People, which in fact he afterwards did, in Revenge for the *Bleſſed Treaty* of *Partition*; in the preſent Compact, the *French* King excludes himſelf from any ſuch After-game. At the *Pyrenees*, the *Royal Minors* of *France* did not, nor could legally *Renounce*; but by the preſent Scheme, whenever the *Prince* of *Aſturias*, or any other Heir to *Spain*, ſucceeds, he muſt actually *Renounce* the Crown of *France*, by ſwearing to that Law which declares the *Two Crowns* for ever ſeparate. The *Pyrenean Renunciation* was managed by *Lewis* XIV, a perfect Maſter in theſe Affairs; who muſt be in his Grave when his own Succeſſion comes to be finally decided; and I will not Compliment King *Philip*, either with an Inclination or an Ability to attain thoſe Noble Accompliſhments, which the Renowned Pupil of *Mazarine* and *Richlieu* was too wiſe to tranſmit to any of his Poſterity. Though I hate *putting of Caſes*, yet to humour thoſe Gentlemen, who are troubled with Political Vapours, I will for once ſuppoſe the very worſt they can imagin; That upon the Death of the preſent King of *France* and *Dauphin*, King *Philip* reſcinds his *Renunciation*, enters *Paris* in Triumph, and takes Poſſeſſion of that Crown: Whoever has read *Mezeray* or *Davila* muſt know, that the Demiſe of the Crown of *France*, even where the Succeſſion admits of no Diſpute, is moſt commonly attended with Tumult and Diſorder; What then muſt be the Conſequence in the preſent Caſe? The *Dukes* of *Berry* and *Orleans*, Princes whoſe Characters for Activity and Spirit have much the Advantage of King *Philip*, (unleſs *Spain* can be ſuppoſed to work a Cure upon an Indolent Genius) muſt, without doubt, form a conſiderable Party; this perhaps may revive the Quarrel of Religion: The *Spaniards* will be diſguſted at the Breach of a Fundamental Law, and the Royal Engagement of *Living and Dying with them*: They may call his Departure an *Abdication*, and will certainly reſent the Indignity of being made a Province to *France*. When the *Two Crowns* are thus embroiled, with how much eaſe may the Allies ſtep in and decide the Controverſie, when they are Rich with an improved Trade, back'd with a nearer and ſtronger *Barrier*, and not Harraſs'd, Mortgag'd and Impoveriſh'd by a long ill-manag'd War; perhaps too not torn and divided by Domeſtick Strife, and the reſtleſs Machinations of an Inſolent Party? If any thing ſhould obſtruct the right Uſe of ſo Critical a Juncture, it muſt be the want of a ſufficient Number of Potentates, *Guarantees* of the preſent *Renunciation*: All the Miſchiefs therefore of that Day be upon the Heads of thoſe who envy *Her Majeſty* the Glory of finiſhing this great Work, and are as backward in their *Quota's* of Councel and Wiſdom, as they were in thoſe of Men and Money. This ſingle Conſideration of the Inconveniencies and Hazards that attended a *French Demiſe*, is of weight enough to convince us, that the *Old King* ſtill treats with the ſame paſſionate Regard for his own Intereſt, and finds his Account in ſecuring the Succeſſion to his own Crown, whilſt he does *the Allies* Juſtice, in ſeparating it from that of *Spain*.

One would be tempted to imagin, that they, who obſtructed theſe wiſe Meaſures of *Her Britannick Majeſty*, had ſome other Scheme to propoſe, more exactly calculated for the Intereſt of *Europe*. Let us examine their Management with regard to *Spain*. King *William*, and the *Dutch*, acknowledged King *Philip*, without any ſuch Renunciation: Did Parties occaſion this falſe Step? And are they not as Rampant and Audacious now? The *late Miniſtry* ſacrific'd the *Campaign* in *Valencia*, and all the Wonders of the Earl of *Peterborough*'s Conduct, to their *Idol* in *Flanders*: What was to be the *Equivalent* for *Spain* at *Gertruydenburg* I am not much concern'd to know; it might perhaps be the ſame that King *Auguſtus* gave for a Jobb of the ſame Nature: I take the *Chaplain-General*'s Word for it, that the whole *Treaty* was a *Farce*. But now they declare themſelves openly; All muſt be given to the *Emperor*, and *Naples*, *Sicily* and *Milan* remain where they are. The *Author of the Groans* produces an *Old Article* in 1689 for this; but, God be thanked, I do not find an *Engliſh* Hand to it. They call us *Frenchmen*, *Penſioners*, and I know not what; and would not King *William* have been a *Frenchman* if they had offer'd him ſuch a Scheme? He plainly tells us *he would*. This *actual* Union of *Ten* Kingdoms to prevent the *poſſible* Union of *Two*, this running Headlong into the Fire, becauſe we don't know but we were born to be Drown'd, is ſuch Fanaticiſm in Politicks as no Age can Parallel. I know not what ſecret *Renunciations* may be concerted between the *Dutch* and the *Emperor*; when I find the *German* Dragoons have renounced *Flanders*, I ſhall think their Intereſt at the *Court* of *Vienna* very conſiderable.

There are other Exceptions to the *Renunciation* of King *Philip*, but I ſhould wrong this Paper by Refuting them. Sometimes they amuſe us with a tedious Detail of *Speeches*, *Addreſſes* and *Declarations*; But to what purpoſe? *Her Majeſty* is ſtill *the ſame*, true to the Intereſts of *Europe*, and Her own Kingdoms: If *Emperors* will Die, the Changes that enſue muſt be charg'd upon themſelves. At other times they Puzzle us with *Maps*, *Liſts*, and *Inventories*, which are known to have alter'd every *Six* Months: In Winter, *Germany* was the moſt powerful State upon Earth; Ten Millions and Three hundred thouſand Men, were the leaſt they could raiſe; but as the Summer came one, they appear'd in the Field with their annual *Quota* of *Deficiencies*. The reſt of the Argument is altogether *Chimerical*, and may ſerve for a *Treatiſe* on the *Spleen*; it conſiſts of remote Fears and Contingencies, of Poſſibilities and imaginary Phantaſms, not unlike the Starts of Men Drunk or in a Slumber, when they ſee Bears-Claws and Lions-Faces on the Cieling; but ſuch as no Man, Sober or in his Senſes, much leſs a State or Community, can value at the Price of *Seven Millions a Year, and the Curſes of Poſterity*.

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